

**REMARKS**

Claims 14 and 16 to 46 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims 14 and 16 to 46 are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received from the International Bureau.

Claims 14 and 16 to 46 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,388,896 ("Hartmann") in view of U.S. Patent No. 6,030,055 ("Schubert").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejection of claim 14 may not be agreed with, to facilitate matters, claim 14 has been rewritten to better clarify its subject matter (including the disclosure at of present specification at least at page 12, lines 4 to 21).

Claim 14, as presented, includes the features of setting the first brake pressure in the first wheel brake cylinder allocated to the first wheel of the two wheels, in which the first

wheel of the two wheels is predesignated as a regulated wheel, and setting the second brake pressure in the second wheel brake cylinder allocated to the second wheel of the two wheels based on a value resulting from the setting of the first brake pressure, in which the second wheel of the two wheels is predesignated as a controlled wheel, the setting of the second brake pressure including performing the following: determining a desired second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve, determining, from the desired second pressure differential, a coil current for generating the desired second pressure differential, and using the determined coil current to generate the desired second pressure differential.

The “Hartmann” reference refers to triggering a valve allocated to a wheel to prevent a further build up of pressure on the wheel, and it therefore does not disclose (nor even suggest) the feature of *setting the brake pressure of one wheel and then setting the brake pressure of another wheel based on a value resulting from the setting of the brake pressure of the first wheel*, as provided for in the context of the presently claimed subject matter.

Further, the “Hartmann” reference does not disclose (nor even suggest) the feature of *predesignating one wheel as a regulated wheel and predesignating another wheel as a controlled wheel*, the brake pressure of the controlled wheel to be set based on a value resulting from the setting of the brake pressure of the regulated wheel. The “Hartmann” reference refers to triggering a valve of one of two wheels to prevent a further build up of pressure. The wheel on which a further build up of pressure is prevented can be either of the two wheels, and will be the wheel with the higher pressure when the difference in pressure between the two wheels exceeds a threshold. In particular, the wheel on which a further build up of pressure is prevented is not *predesignated*.

Still further, the “Hartmann” reference does not disclose (nor even suggest) the features of *setting the second brake pressure in the second wheel brake cylinder allocated to the second wheel of the two wheels based on a value resulting from the setting of the first brake pressure, in which the second wheel of the two wheels is predesignated as a controlled wheel, the setting of the second brake pressure including performing the following: determining a desired second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve, determining, from the desired second*

pressure differential, a coil current for generating the desired second pressure differential, and using the determined coil current to generate the desired second pressure differential.

The “Schubert” reference also does not disclose (nor even suggest) the above-discussed features.

Accordingly, the “Hartmann” and “Schubert” references, whether taken alone or combined, do not render obvious claim 14, as presented.

For at least the reasons explained above, claim 14 is allowable, as are its dependent claims 16 to 23 and 41 to 46.

Claim 24, as presented, includes features like those of claim 14, as presented, and is therefore allowable for essentially the same reasons as claim 14, as are its dependent claims 25 to 40.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

In summary, all of claims 14 and 16 to 46 are allowable.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all pending claims 14 and 16 to 46 are in condition for allowance. It is therefore respectfully requested that the rejections and objections be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,  
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Dated: \_\_\_\_\_

*8/6/09*

By: \_\_\_\_\_

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